



**CITY OF YONKERS, NEW YORK  
BUREAU OF PURCHASING**

**SOLICITATION AND CONTRACT DOCUMENTS FOR  
THE ACQUISITION AND DEVELOPMENT OF THE FORMER  
YONKERS PUBLIC SCHOOL 19**

**REQUEST FOR PROPOSAL (RFP) NO. 255**

**PROPOSAL DUE**      **Wednesday, February 27, 2013**  
**DATE AND TIME:**      **2:00 PM**

**PROPOSER TO COMPLETE:**

**Name of Proposer** \_\_\_\_\_

**Address of Proposer** \_\_\_\_\_

\_\_\_\_\_

**Contact** \_\_\_\_\_ **Title** \_\_\_\_\_

**Telephone** \_\_\_\_\_ **Fax** \_\_\_\_\_

**E-mail** \_\_\_\_\_

**Date** \_\_\_\_\_

Dear Prospective Developer:

The Corporation of the City of Yonkers (the “City”) through the Department of Planning and Development is seeking one or more qualified developers to acquire a city-owned property, the former Yonkers Public School 19 (“PS 19”) and redevelop the property.

PS 19 is located in southwest Yonkers at 70 Jackson Street (Block 186, Lot 132). According to the City’s tax map the site is .92 acres, or 40,075 square feet. The site has 178 feet of frontage on Jackson Street, 225 feet of frontage on Groshon Avenue, and side lot lines of 200 feet and 209 feet. The PS 19 building was built in 1906 and is a 3-story brick structure and has been closed and vacant since December 1991.

The site is located in an Urban Renewal Area subject to the Modified Urban Renewal Plan for Neighborhood Development Program (N.D.P.) Area No. 1 and N.D.P. Area No. 2, dated December 1998, as amended by the City Council on October 26, 2004 (the “Urban Renewal Plan”).

The City is soliciting Proposals to establish a development contract all as further described herein. To be considered as qualified, proposers should have ten (10) years successful development experience with projects of similar scale. The City is seeking developers that can demonstrate the ability to execute this project without local governmental assistance and whose experience demonstrates the ability to adhere to strict time schedules. The City would like to see this project completed within three years from date of execution of an agreement with the City for acquisition and development, **which agreement will require the approval of the Yonkers City Council.**

Proposals shall be based on the requirements described herein.

Proposers must submit both a Technical and a Cost Proposal for these services. Sections I through IV comprise the entire Request for Proposal (RFP).

*Proposers are advised that the contents of this RFP and the successful Proposer’s Technical and Cost Proposal, as submitted or negotiated, will be incorporated into the resultant agreement.*

It is expressly understood that all costs associated with the preparation of the Proposal are to be borne by the Proposer and the submission of such Proposals in no way obligates the City of Yonkers to any Proposer.

**Deadline for Proposal Submissions:**

Date: Wednesday, February 27, 2013

Time: 2:00 PM

Place: City of Yonkers Department of Planning and Development

87 Nepperhan Avenue, Suite 307

Yonkers, New York 10701

**Scheduled Site Inspections:**

Date: Wednesday, January 9, 2013 and Wednesday, January 16, 2013  
Time: 10:00 AM  
Place Main Entrance of PS 19, 70 Jackson Street, Yonkers NY 10703

The site inspection is voluntary, however attendance is strongly encouraged. If representatives of your organization plan to attend please contact Kathy Kuhnel, the City's Real Estate Coordinator, at 914-377-6284 to confirm dates and time of the inspection.

**Communications with the City**

Proposers are advised that from the date this RFP is issued until the award of the Contract, no contact with City personnel related to this solicitation is permitted, except as authorized by the Purchasing Director.

**RFP Contact Person**

All questions regarding this RFP must be submitted, **in writing**, to Kathy Kuhnel, the City's Real Estate Coordinator, at the address below. All questions must cite the **RFP page number, section, and paragraph number**. Questions must be submitted by fax or e-mail.

City of Yonkers  
Department of Planning and Development  
87 Nepperhan Avenue, Suite 307  
Yonkers, New York 10701  
914-377-6284 (Phone) 914-377-6079 (Fax)  
Kathy.Kuhnel@yonkersny.gov (e-mail)

Answers to all questions will be disseminated to all prospective Proposers in the form of a formal addendum to the RFP and shall be annexed to and become part of the ensuing contract, and posted online.

**Only written addenda issued by the Bureau of Purchasing shall be binding. No officer, employee, or agent of the City is authorized to clarify or amend the Solicitation Documents by any other method, and any such clarification or amendment, if given, is not binding on the City.**

Prospective Proposers are responsible for ensuring that they receive all addenda and must acknowledge receipt in their proposal.

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## **SECTION I - INFORMATION FOR PROPOSERS**

### **Article 1. DEFINITIONS**

- A. ADDENDA and ADDENDUM shall mean the additional or modified contract provisions issued in writing by YONKERS prior to the Notice of Acceptance of Proposal/Contract Award.
- B. BEST AND FINAL OFFER shall mean that after negotiations with Proposers in the competitive range, the Proposers are invited to submit a second, best and final, technical and cost proposal.
- C. BOARD OF CONTRACT AND SUPPLY (BOCS) is the governing body of the City of Yonkers empowered to approve all contract awards and to reject bids or proposals.
- D. CITY, YONKERS, and COY shall mean the Corporation of the City of Yonkers.
- E. CONTRACT, CONTRACT DOCUMENTS, AGREEMENT, REQUEST FOR PROPOSAL and the abbreviation RFP shall mean the Information for Proposers, Scope of Work, Vendor Background Questionnaire, Performance and Payment Bond Forms (if applicable), Standard Terms and Conditions, Technical and Cost Proposals, all Addenda hereafter issued (if any), and the Notice of Acceptance of Proposal/Contract Award.
- F. CONTRACTOR, CONSULTANT, VENDOR, APPLICANT, and PROPOSER are synonymous and shall mean the Corporation, Firm, Partnership, Individual, or any combination thereof, who has submitted a Proposal.
- G. NOTICE shall mean a written notice.
- H. NOTICE OF ACCEPTANCE OF PROPOSAL/CONTRACT AWARD shall mean the document that apprises the successful Proposer that this RFP has been approved for contract award by the Yonkers Board of Contract and Supply. It also informs the vendor to submit the required bonds and insurance, if required. It is not authorization to begin work.
- I. NOTICE TO PROCEED is the document issued by the City Project Manager informing the Vendor that they may begin the work. It is issued after the Vendor has submitted, and the City has accepted the required bonds and insurance, if necessary, and the Contract has been executed by all parties.
- J. PROJECT, WORK, and SERVICES are synonymous and shall mean all the required obligations of the Contractor hereunder, including but not limited to the performance of any labor or services, the supplying of any goods or materials, the furnishing of any other resources or requirements or deliverables necessary to perform, accomplish, and complete this Contract's objectives as stated in the Scope of Services.
- K. PROJECT MANAGER shall mean the individual or his/her duly authorized representative who is designated by YONKERS to administer this contract.
- L. PROPOSAL is an offer made by an entity to the City as a basis for negotiations for entering into a contract.

- M. REQUEST FOR PROPOSAL (RFP) all the documents furnished to prospective Proposers when soliciting proposals for the purpose of awarding a contract based on a formal evaluation of the characteristics deemed relevant to the City's objective, such as quality, project management, past experience, and professional reputation.
- N. SUBCONTRACTOR shall mean an individual or organization that enters into a contract to furnish services or labor and materials or apparatus in connection with the Work directly or indirectly for or on behalf of the Contractor.
- O. URBAN RENEWAL PLAN shall mean the Modified Urban Renewal Plan for Neighborhood Development Program (N.D.P.) Area No. 1 and N.D.P. Area No. 2, dated December 1998, as amended by the City Council on October 26, 2004.
- P. YONKERS CITY COUNCIL is composed of six members and the City Council President. The Council's power lies in the City Charter and its main purpose is to introduce and approve legislation that enhances the quality of life for all Yonkers residents.

## **Article 2. RFP TIMETABLE (TENTATIVE)**

RFP Issue Date	December 28, 2012
Site Inspection Date and Time (Optional)	January 9 2013 at 10:00 am January 16, 2013 at 10:00 am
Deadline for Submission of Written Questions	January 25 2013
Response to Questions Issued	February 1 <sup>st</sup> , 2013
Proposal Due Date and Time	February 27, 2013 at 2:00 pm

## **Article 3. NEGOTIATIONS**

1. The City has the right to negotiate with one or more Proposers, or to reject any or all Proposers as it may determine in its sole and absolute discretion.
2. The City reserves the right to request the submission of Best and Final Offers from those Proposers who, after the conclusion of such negotiations, are still under consideration for award. **A Proposer shall not have any rights against the City arising from an invitation to clarify proposals and/or to enter negotiations or to submit a Best and Final Offer.**
3. The City reserves the right to award a contract based on initial Proposals received, without negotiations. **Therefore, each initial Proposal should contain the Proposer's best offer from a technical and price standpoint.**
4. The City reserves the right, in its sole discretion, to reject at any time any or all proposals, to withdraw this RFP, to negotiate with one or more proposers, and/or negotiate on terms other than those set forth herein, including with parties other than those responding to this RFP. The City likewise reserves the right, at any time, to waive compliance with, or change any of the terms and conditions of this RFP or to entertain modifications or additions to selected proposals.

#### **Article 4. CONTRACT AWARD**

1. The Contract resulting from this solicitation shall be awarded to the Proposer the City considers most qualified and whose Proposal the City determines to be the most advantageous to the City, based on the evaluation factors set forth in the RFP.
2. Any proposed contract award shall be subject to all required City oversight approvals.
3. A Proposer must comply with any and all federal, state, and local laws, rules and regulations, and executive orders applicable to the subject matter of this contract, including Equal Employment Opportunities (EEO), Civil Rights, MacBride Fair Employment Principles, and the New York State Labor Law.

#### **Article 5. PERIOD OF PERFORMANCE**

The Contract for the Work specified herein shall commence on a mutually agreed upon date and time.

#### **Article 6. PROPOSAL EVALUATION CRITERIA**

1. Proposals will be evaluated by a Selection Committee.
2. The selection of the developer **will not necessarily be based solely on dollar value of the proposal, but will consider the totality of the circumstances in assessing all proposals, including the potential for adaptive reuse of the facilities and structures currently located on the site.**
3. The evaluation criteria that will be used to judge Proposals are set forth below.
  - a) Past Performance / References – review of submissions previously made to the City of Yonkers, as well as record of success on past projects of this type, magnitude, and complexity.
  - b) Development Experience, Qualifications, and Expertise – review of current projects to determine quality of workmanship and adherence to the developer’s commitment made to each project including expertise in planning, construction, management, marketing, and scheduling of similar size projects.
  - c) Quality of Concept Plan and Market Demand Assessment – review of overall quality of plan, compatibility with current and proposed projects and contribution to overall revitalization in the City of Yonkers including **commitment to local community, New York State Certified Minority and Women Business Enterprises (“MWBE”) and the City’s need to create additional market rate residential units in the Urban Renewal Area**, i.e., Proposer’s pledge to make good faith efforts to employ local contractors, MWBE’s, purchase building materials and supplies from local vendors, and employ local residents in all aspects of project where feasible.

- d) Financial Capability - review of Proposer's financial and organizational stability and Financing Plan, i.e., Proposer's ability to demonstrate that the proposed development will receive appropriate levels of funding and can be completed in a timely manner.
- e) Purchase Price - review of Proposer's financial compensation to the City for the purchase of the site.

Upon selection, the City will send a letter to the applicant regarding the commencement of negotiations ("Negotiation Letter"). Any applicant that receives a Negotiation Letter from the City must thereafter disclose all previous participation with any city, state and federal projects. If the parties cannot come to agreed upon terms and conditions during the negotiation period, the City reserves the right to terminate negotiations and send its Negotiation Letter to another applicant that has been ranked for competitive selection.

The award will go to the Proposer whose proposal provides the best value as determined by the City of Yonkers.

## **Article 7. PROPOSAL PACKAGE AND SUBMISSION REQUIREMENTS**

1. **The Proposal must be submitted in a sealed package.** Please furnish the **original** in hard copy and *a disk or flash drive/memory stick with the entire proposal*. The **original must be labeled** as such. The Proposal must be signed by a duly authorized official of the firm, with the person's name and title printed below the signature. Proposals must be received by **2:00 p.m. on Wednesday, February 27, 2013** and addressed as follows:

**City of Yonkers  
Department of Planning and Development  
87 Nepperhan Avenue, Suite 307  
Yonkers, New York 10701  
Attention: Kathy Kuhnel Re: RFP No. 255  
Title: Acquisition and Redevelopment of Former Yonkers Public School 19**

2. **Oral Presentations**

The City of Yonkers reserves the right to interview all staff proposed for the project and to approve or reject their participation in the project.

3. **Cancellation**

The City of Yonkers reserves the right to cancel this RFP at any time, if the City deems it to be in its best interest. **In no event shall the City have any liability whatsoever for cancellation of the RFP before execution of a contract by all parties.** A Proposer assumes sole risk and responsibility for its expenses before execution of a contract by all parties and shall not commence work until receipt of a fully executed contract.

4. **Confidentiality**

Proposers shall specifically identify those portions of the Proposal deemed to be confidential, proprietary information, or trade secrets, and provide justification why such material, upon request, should not be disclosed by the City.



Such information deemed by the Proposer to be confidential or proprietary should be easily separable from the non-proprietary sections of the Proposal.

## **5. Modifications**

The City reserves the right, in its sole discretion, to reject at any time any or all proposals, to withdraw this RFP, to negotiate with one or more applicants, and/or negotiate on terms other than those set forth herein, including parties other than those responding to this RFP. The City likewise reserves the right, at any time, to waive compliance with, or change any of the terms and conditions of this RFP at any time, to waive compliance with, or change any of the terms and conditions of this RFP or to entertain modifications or additions to selected proposals. In addition, the City retains the right to at any time withdraw portions of the site from this RFP and/or to add tax lots, sites, or buildings.

## **Article 8. PROPOSAL SUBMISSION REQUIREMENTS**

1. The Proposal format shall be organized into the following sections **in the order shown**. Each section must be clearly **labeled** and separated by **tabs**. All pages must be **numbered**.

**Tab 1)** Shall include a cover letter introducing the Proposer by describing its, **current ownership and management**, and a **summary of the Proposer's qualifications**.

- If the Proposer is a joint venture or consortium, the **origin, current ownership and management, and qualifications of each firm** comprising the joint venture or consortium must be separately identified and the **principals of each firm** must be noted.
- If the Proposer is a non-profit organization, provide the organization's operating budgets for the past two fiscal years and a determination letter from the IRS granting public charity status under Section 501 (c) (3) of the Internal Revenue Code. Also include any applicable paperwork indicating that the status is current.
- Indicate whether the Proposer (and each firm comprising the joint venture or consortium) is national, regional, or local, the number of years in business, the total number of employees, and the total number of employees in the local office that will be dedicated to the Yonkers contract.
- Indicate if the Proposer will be providing all services required herein or if sub-consultants will be used. If sub-consultants will be used, describe their qualifications, indicate the goods or services they will provide, and the percentage of total work they will perform. Indicate whether any or all of the subconsultants are New York State Certified MWBEs.
- **The Proposer (and each firm comprising the joint venture or consortium, and each sub-consultant, if any) shall provide an affirmative statement that it is independent of the City of Yonkers. Proposers will disclose all direct and indirect, actual or potential conflicts of interest it or any of the Proposer's personnel may have with the City of Yonkers.**

Also include the following:

- Legal organizational name and address of the Prime Developer;

- Legal organizational name and address of all firms comprising the joint venture or consortium, and sub-consultants and suppliers, if any;
- Name, title, telephone (land and cell), facsimile number, and e-mail of the person(s) **authorized to bind the Proposer contractually**;
- Name, title, telephone (land and cell), facsimile numbers, and e-mail of the person(s) to be contacted regarding the content of the Proposal, if different from the above.

**The cover letter shall be signed by the person(s) authorized to bind the Proposer contractually.**

**Tab 2)** Describe in detail the Proposer's **qualifications and experience (and each firm comprising the joint venture or consortium, and any sub-consultants, if applicable) with commercial redevelopment projects.** Describe the experience of the principal partners and members of the development team in designing, developing, financing, leasing, and managing similar properties. Provide examples of at least **three (3)** of the Proposer's **most recent projects of a similar nature as the project described herein.** Include descriptive information such as location, size, cost, tenants, vacancy rate, the character of the development, the scope of the Proposer's involvement, and the performance of the development in its market. For each example, list the following information:

- Agency/Owner
  - Name & Location of Project
  - Sub or Prime Contractor(s)
  - All Services Provided
  - Start and Completion Dates
  - Contract Amount(s)
  - Agency/Owner Reference Contact Name & Telephone No.
- The proposal must name the Proposer's proposed project manager.
  - The proposed project manager must have successfully managed **at least three (3)** completed projects of similar type, size and scope within the last **ten (10) years.**
  - Lastly, describe the Proposer's current workload and the status of all current projects. Provide the same for each firm if this is a joint venture or consortium.

**Provide an organizational chart** of the Proposer's **organizational structure**; include a description of the depth and variety of the Proposer's **disciplines**,. Include the titles and **resumes of each person** that will be assigned to the redevelopment project.

- Describe your organization's selection and replacement procedures for the project staff that will be providing the services as outlined in this RFP, including your organization's willingness to commit to City requests to maintain specific staffing assignments on key portions of the project.
- Please indicate the Proposer's experience working with MWBEs. List all sub or prime contractors that the Proposer has worked with on previous or current projects and provide contact information for each of same.

**Tab 3)** Describe the Proposer’s **preliminary market demand assessment and provide a Concept Plan** outlining the Proposer’s redevelopment goals, including:

- a. Proposed uses and redevelopment concept – describe the proposed uses and amenities. Describe how the proposed use and redevelopment concept enhances and is compatible with the surrounding residential and commercial communities and conforms to the Urban Renewal Plan. Please include any information or thoughts you may have on “green” or sustainable building protocols in regards to your vision.
- b. Conceptual site plan – describe the visual style, character, and aesthetic envisioned for the development, include the approximate number, size and type of buildings to be adaptively reused and/or constructed on the site, as well as proposed parking.
- c. Management plan – describe the plan for managing all phases and operations of the project, including how the development team will operate/manage the redeveloped property,
- d. Marketing plan – describe the proposed tenancy and how the proposed development will be marketed and promoted to targeted market, and
- e. Time Frame – provide a phasing plan indicating the ideal sequence for the development of the property. Describe the reasoning and benefits of the phasing plan and provide a realistic time frame within each phase can be accomplished.

**Tab 4)** Describe the Proposer’s **financial and organizational stability**. All information must be supported with the three (3) most recent CPA audited financial statements. Provide at least four (4) business references from entities that have conducted business transactions with the Proposer and have knowledge of its business reputation and experience. At least one of the references should be from a lending institution that has previously provided financing for projects completed by the Proposer. References from other municipalities and/or New York State Agencies or Authorities should also be provided.

**Tab 5)** Describe the proposed redevelopment’s **feasibility and financing**, including estimated renovation or construction cost, proposed source of funds, and the proposed terms and conditions of financial compensation paid to the City.

- a. While cost is only one of the factors the City will consider in selecting a Developer, **the City will only enter a contract if a Proposer’s Cost Proposal, as submitted or negotiated, is reasonable in the City’s sole judgment.**
- b. Proposals will be evaluated by taking into account the appraised value, the economics of the proposed development, the long-term job and tax generation, and the overall quality of the proposed development.
- c. The Proposer must submit a Financing Plan to provide the City with sufficient data to prove that Proposer can acquire and redevelop the property in a timely manner. The Financing Plan should address the following:
  - Sources, amounts, terms and conditions of financing and the Proposer’s equity,
  - Evidence of financial capacity of lenders and equity sources,

- Identity and financial capacity of guarantor to guaranty lien-free completion of the Project.

Proposers may include in their proposals a preliminary list of responsibilities and costs they would ask the City and/or local organizations to cover, including economic incentives. The roles, responsibilities, and any costs to be borne by the City or local organizations will be established during negotiations.

2. The Proposal shall be submitted *in a sealed package*, identified with the words – **RFP No. 255 – Acquisition and Redevelopment of Former Yonkers Public School 19** and the Proposer’s return address.

- **In the same package as the Proposal, but not attached to the Proposal, include two (2) signed and notarized originals of the Vendor Background Questionnaire (VBQ). DO NOT ATTACH THE VBQ TO THE PROPOSAL.**

## **Article 9. FORM OF AGREEMENT**

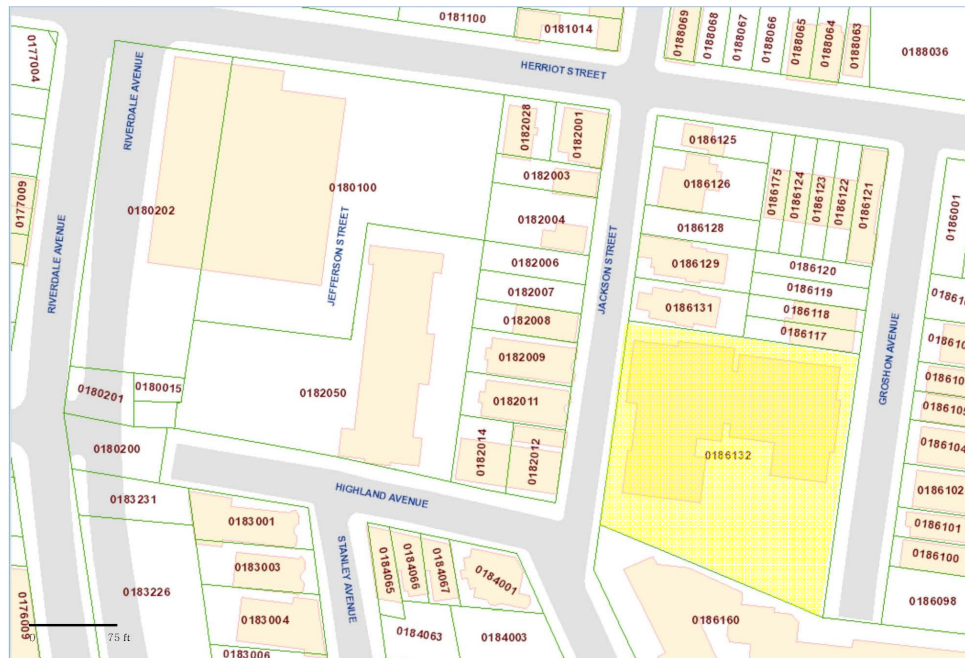
The successful Proposer will be required to execute a Land Disposition Agreement and/or Lease Agreement acceptable to the City. A copy of the City’s Form of Land Disposition Agreement (Attachment A) and Form of Lease Agreement templates are annexed hereto (Attachment B). These forms are specifically for information purposes only. The City of Yonkers reserves the right to reject any proposal based upon exceptions to these form agreements.

## **Article 10. EXAMINATION OF SOLICITATION DOCUMENTS**

Prospective Proposers shall examine the Solicitation Documents carefully and before submitting a proposal, shall submit to the Purchasing Director, **in writing**, any questions, or requests for clarification of any ambiguity, or correction of any inconsistency or error in the documents. The City’s response to such a written request shall be issued in a written addendum to the RFP and shall be binding on all Proposers. Only written addenda issued by the Bureau of Purchasing shall be binding. **No officer, employee, or agent of the City is authorized to clarify or amend the Solicitation Documents by any other method, and any such clarification or amendment, if given, is not binding on the City.** The Proposer must acknowledge all addenda when submitting their proposal.

## ACQUISITION AND REDEVELOPMENT OF FORMER YONKERS PUBLIC SCHOOL 19

The property to be redeveloped is located in southwest Yonkers at 70 Jackson Street near the intersection of Highland Avenue that was the former location of Yonkers Public School 19. Identified on the City of Yonkers tax parcel map as Block 186, Lot 123 (highlighted in yellow below), the site also has frontage through to the next street, Groshon Avenue. Jackson Street is a through street, while Groshon Avenue is a dead end to the location of the adjacent Riverview Gardens Cooperative complex. The property has a parking lot and a playground on the south side of the site which is accessible from both streets.



The PS 19 building was constructed in 1906 and is a 3-story brick structure and has been closed and vacant since December 1991. The building is currently experiencing deterioration of the roof and other sections of the building and is a blighting influence in the area. Because of the age of the structure, it can be expected that the structure contains building products such as asbestos, lead paint, and other environmentally hazardous materials that were commonly used in the past.

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View of site looking north



View of site looking east





View of site looking south



View of site looking west

## Redevelopment Goals

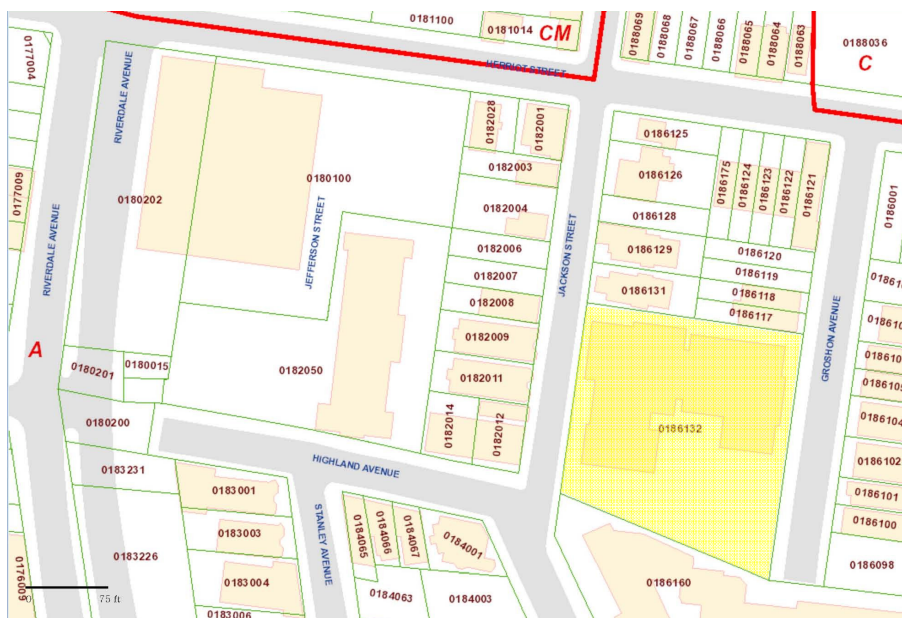
Applicants responding to this RFP will be expected to promote a plan that supports the redevelopment of the site. Applicants are highly encouraged to consider the adaptive reuse of the existing structure on the site and its rehabilitation using sustainable and preservation practices. The proposed uses on the site should be planned and designed to fit into the existing character of the neighborhood and will be required to conform to all building and zoning codes, unless otherwise specified.

After designation, the Applicant will be expected to fund all of the expenses as they pertain to the development of the project, including but not limited to, building acquisition, planning, environmental studies, architecture and engineering, construction, soft costs and other consultant fees related to the project. Please note that the City has no financial resources dedicated or appropriated to assist in this project. Notwithstanding that the Urban Renewal Plan provides that no less than 50% of all residential units to be constructed within the N.D.P. Areas will be for low and moderate income families and 20% of these residential units will be for low income families, however these requirements have been met and the City is seeking to increase the number of market rate residential units in the Urban Renewal Area.

The City encourages proposals that can be successfully completed within three years from date of agreement.

## Zoning

Under the zoning regulations of the City of Yonkers, the site (highlighted in yellow below) is zoned A (elevator apartment houses, highest density). For further information on the land use and building bulk requirements of the city's zoning districts, please review the Yonkers Zoning Ordinance on-line at [www.ecode360.com](http://www.ecode360.com).





## **SEQRA**

The City will discuss with the successful partner the requirements for the environmental review of the project in accordance with the New York State Environmental Quality Review Act (SEQRA). The level of SEQRA review required is dependent on the ultimate selected development profile and proposed commercial uses at the site. SEQRA review, as with all other costs of the project, will be borne solely by the successful partner.

### **Responsibilities of the Developer and the City of Yonkers**

The selected Proposer will accept the property in its “*Where Is, As Is*” condition on the date of acquisition and the City makes no representations or warranties as to the condition of the property or its ability to be redeveloped.

It is expected that the developer at its sole cost and expense, will acquire the land, finalize the development plans, secure all necessary approvals and financing, complete all necessary infrastructure improvements and building renovations, remove or remediate all environmental hazardous materials in accordance with law, market the development, and manage the property. The selected Proposer is responsible for paying all real estate taxes and any other taxes associated with the redevelopment of this property.

The selected developer will be required at its sole cost and expense to comply with all applicable federal, state, and local laws and regulations, and to obtain from all appropriate government authorities, including without limitation, the City of Yonkers, all construction and ancillary approvals for redevelopment of the property, including but not limited to, all required building permits and approvals. All costs associated with development approvals for the property will be borne fully by the selected developer.

**The selected developer will be required to comply with all applicable New York State and federal labor laws.**

**The selected developer will be required to comply with all applicable federal, New York State, and local construction laws, rules, and regulations.**

Prior to the transfer of the property to the developer, the developer will be required to submit performance and payment bonds to the City in an amount satisfactory to the City.

During the life of this agreement, the developer will acquire, maintain, and provide proof of insurance covering worker’s compensation, employer’s liability, commercial general liability, and professional liability.

### **Representations by Applicant**

By responding to this solicitation, each Applicant will be deemed to represent, acknowledge and consent to the City that it has read all of the provisions of this solicitation and fully understands after an opportunity to consult with the Applicant’s counsel and others of the accuracy of the information that will be provided pursuant to this solicitation. The Applicant also agrees to indemnify and hold harmless the City its directors, officers, employees, agents and others working with the City from any claims or demands whatsoever. The Applicant also agrees that in the event the Applicant institutes any litigation or makes any claims against the City and its directors, officers, agents or employees that the Applicant will pay the reasonable cost for any

attorney's fees incurred by the City including disbursements in defense of the City its directors, officers, agents and employees. In connection with this solicitation, the Applicant provides the following responses.

Has any Principal, Officer or Agent identified in this questionnaire, or any organization in which the Principal is or was a general partner, corporate officer, member or employee, or owned more than 20% of the shares of the entity been the subject of any of the following:

1. Arson conviction or pending case? **Yes No**
2. Complaint by the New York State Division of Human Rights, the EEOC or the New York State Division of Housing and Community Renewal within the past five (5) years?  
**Yes No**
3. Had an ownership or management interest in a property that was taken in rem or assigned to a court appointed administrator or receiver: **Yes No**
4. Mortgage foreclosure or currently more than 90 days in arrears on any real estate tax or PILOT payment or loan? **Yes No**
5. Defaulted on any contract obligation or agreement of any kind or nature entered into with the City of Yonkers or one of its agencies? **Yes No**
6. In the past five (5) years, failed to qualify as a responsible bidder, or refused to enter into a contract after an award has been made, privately or with any governmental agency?  
**Yes No**
7. In the past seven (7) years, filed a bankruptcy petition or been the subject of involuntary bankruptcy proceeding? **Yes No**
8. In the last five (5) years, failed to file any required tax returns or failed to pay any applicable Federal, State or New York or City taxes or other charges? **Yes No**
9. Been convicted of fraud, bribery, tax evasion or larceny? **Yes No**

If the answer to any questions is **yes**, provide the following information about each instance: name of Principal; names of organizations, or corporations; Principal's status in the organization (e.g. officer); date of the action; and current status or disposition.

## Signature and Acknowledgement

Responses to the solicitation are hereby made under the penalties of perjury:

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name, Title and Date: \_\_\_\_\_

### **ACKNOWLEDGMENT**

**STATE OF NEW YORK** )

)ss.

**COUNTY OF** \_\_\_\_\_)

On this     day of                      , 201\_ before me, the undersigned, a Notary Public in and for the State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Notary Public



## CITY OF YONKERS VENDOR BACKGROUND QUESTIONNAIRE

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**SECTION III – RFP NUMBER 255**

**DUE DATE: February 27, 2013, 2 PM**

This questionnaire has been developed to collect information from vendors/contractors wishing to do business with the City of Yonkers.

Please complete the questionnaire carefully, answering all questions accurately. Answers **must be typewritten or printed in black or blue ink**. If you need more space to answer a question, **type or print the answer on company letterhead** and attach it to the questionnaire. **ANSWER ALL QUESTIONS – DO NOT LEAVE BLANKS**. Failure to submit a complete and accurate questionnaire may result in your bid or proposal being rejected as non-responsive and, therefore, ineligible for award.

**GENERAL INFORMATION** Initial Application: YES ☐ NO ☐ Revision: YES ☐ NO ☐

1. Submitting Business Name \_\_\_\_\_  
EIN/SSN \_\_\_\_\_  
Dun & Bradstreet # \_\_\_\_\_  
“Doing Business As” Name(s), if any \_\_\_\_\_  
Business Address and date business \_\_\_\_\_  
located at this address \_\_\_\_\_  
Other business addresses, if any (satellite \_\_\_\_\_  
offices, plants, warehouses, branch offices \_\_\_\_\_  
headquarters, etc.) \_\_\_\_\_  
Mailing address, if different from above \_\_\_\_\_  
\_\_\_\_\_  
Telephone Number \_\_\_\_\_  
Fax Number \_\_\_\_\_  
E-Mail \_\_\_\_\_  
Contact Person and Title \_\_\_\_\_
2. Does this business now, or has it in the past 10 years, used an EIN, SSN, Name, Trade Name or abbreviation other than those given in the above question? YES ☐ NO ☐ If YES, please provide details and explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Has this business changed address(es) in the past five years? YES ☐ NO ☐. If YES, please provide all complete former addresses: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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- 
4. a. Date business was formed \_\_\_\_\_  
b. Date business was incorporated \_\_\_\_\_
5. Type of Organization **(Please circle one)**  
a. Business Corporation  
State/County in which incorporated \_\_\_\_\_  
Name of individuals/entities incorporating business \_\_\_\_\_  
b. Sole Proprietorship  
c. General Partnership/ Limited Partnership  
State or County where partnership certificate/agreement is filed \_\_\_\_\_  
d. Joint Venture  
e. Non Profit  
f. Not for Profit  
g. Other (Explain) \_\_\_\_\_
6. Type of Business **(Please circle one)**  
a. Manufacturing  
b. Distribution  
c. Retail  
d. Commercial Service  
e. Professional Service, Non Construction, Non-Law  
f. Bank  
g. Construction Manager  
h. Architect  
i. Engineer  
j. General Contractor  
k. Consultant (Specify) \_\_\_\_\_  
l. Laboratory Testing and Analysis  
m. Law Firm  
n. Other (Explain) \_\_\_\_\_
7. Has this business been certified by a government entity (SBA, NYC, etc.) as a Minority Business, Women-Owned Business, Disadvantaged Business or Small Business Enterprise?  
YES ☐, NO ☐. If YES, please explain. \_\_\_\_\_  
\_\_\_\_\_  
a. Do you perform outreach to any of these Enterprises to perform subcontracting work?  
YES ☐, NO ☐  
b. Will you use one of these Enterprises as a subcontractor on work performed for the City of Yonkers? YES ☐, NO ☐ If YES, explain. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### **BUSINESS HISTORY**

8. Was this business purchased as an existing business by its present owners? YES ☐, NO ☐

If YES, please provide date of purchase and name(s) of previous owner(s). \_\_\_\_\_

9. Does this business own ☐, rent ☐, or lease ☐ its office facilities? **(Please check one)**

If leased or rented, please provide name, address, and telephone number of building owner/ landlord. \_\_\_\_\_

10. Does this business share office space, staff, equipment, or expenses with any other business or not-for-profit organization? YES ☐, NO ☐ If YES, please provide the name and address of the other entity and nature of relationship to this business. \_\_\_\_\_

11. Will this business use or occupy any real property, other than the addresses listed in response to Question 1. to carry out the terms of any contract you may receive from the City of Yonkers? YES ☐, NO ☐. If YES, please provide details and explain. \_\_\_\_\_

## BUSINESS PRINCIPALS

12. For all proprietors, partners, directors, officers, shareholders of 5% or more of the businesses' issued stock, any manager or individual who takes part in overall policy making or financial decisions for the business, and any person in a position to control or direct the businesses' overall operations, please provide name, home address, date of birth, social security number, title, percentage of ownership, and business telephone number.

13. Number of Employees \_\_\_\_\_

14. Is this business now or has it been in the last five years a subsidiary of another business? YES ☐, NO ☐. In this period, has another business been a partner in this business, or has another business been affiliated with this business through common ownership, management or agreement, or has another business owned 5% or more of this business? YES ☐, NO ☐. If YES, please provide details and explain.

15. Has this business or any other business listed in response to question 14 pledged or hypothecated 5% or more of its stock to another business or to an individual to guarantee payment for a debt or obligation? YES ☐, NO ☐. If YES, please provide details and explain. \_\_\_\_\_

16. Is this business or any business listed in response to question 14 now or has it been in the last five years:
- The owner of 5% or more or in control of another business, an affiliate or a subsidiary? YES ☐, NO ☐
  - A vendor of or contractor to the City of Yonkers? YES ☐, NO ☐
  - A subcontractor on any contract with the City of Yonkers? YES ☐, NO ☐.
- If YES to any above, please provide details and explain. \_\_\_\_\_
17. Are any of the persons listed in answer to question 12 now or have been in the past, elected or appointed officials or officers or employees of the City of Yonkers? YES ☐, NO ☐
- If YES, please provide details and explain. \_\_\_\_\_
- 
18. Has this business or any business listed in response to question 14 at present or has it ever been:
- Debarred by any agency\* from entering contracts? YES ☐, NO ☐.
  - Found not responsible by any government agency? YES ☐, NO ☐.
  - Declared in default and/or terminated for cause on any contract, and/or had any contract cancelled for cause? YES ☐, NO ☐.
  - Suspended by any government agency from entering any contract with it? YES ☐, NO ☐.
  - Party to any action pending that could formally debar or otherwise affect this business' ability to bid or propose on contracts? YES ☐, NO ☐.
  - A respondent before the Grand Jury or any Federal, State or City Board? YES ☐, NO ☐
  - Unable to execute a contract with a government agency because it could not provide the required security or obtain a surety bond? YES ☐, NO ☐.
  - Required to pay liquidated damages on a contract? YES ☐, NO ☐.
  - In default on any obligation to, or subject to any unsatisfied judgment or lien obtained by a government agency, including judgments based on taxes owed? YES ☐, NO ☐.
  - Filed a bankruptcy petition or been subject to any involuntary bankruptcy proceedings? YES ☐, NO ☐.
  - Subject of termination for cause or revocation of permits, licenses, concessions, franchises, or leases? YES ☐, NO ☐.
  - Subject of a criminal investigation\*\* or civil anti-trust investigation by any Federal, State or Local prosecutorial or investigative agency? YES ☐, NO ☐.
  - Subject of an investigation by any government agency, including regulatory agencies (Security Exchange Commissions, Federal Communications Commission, Department of Consumer Affairs, etc.) YES ☐, NO ☐.

**If you answered YES TO ANY OF THE QUESTIONS IN ITEM 18, please provide details including dates, agency/entity names, and disposition \_\_\_\_\_**

\* Government agency includes City, State and Federal Public Agencies, quasi-public agencies, authorities and corporations, public development corporations and local development corporations.

\*\* An investigation includes an appearance before a grand jury by a person or representatives of a business entity, any oral or written inquiry or review of documents by a public agency, temporary commission or other investigative body, or questioning concerning the general operation or a specific project or activities of business entity or the activities of a person.

19. In the last five years, have any of the persons listed in response to question 12:
- a). Been the subject of an investigation involving any alleged violation of criminal law? YES ☐, NO ☐.
  - b). Been arrested, indicted or named as an unindicted co-conspirator in any indictment or other legal instrument? YES ☐, NO ☐.
  - c). Been convicted, after trial or by plea, of any felony under State or Federal Law? YES ☐, NO ☐.
  - d). Been convicted of any misdemeanor involving business-related crimes? YES ☐, NO ☐.
  - e). Entered a plea of nolo contendere in a legal proceeding? YES ☐, NO ☐.
  - f). Entered a consent decree? YES ☐, NO ☐.
  - g). Been granted immunity from prosecution for any business-related conduct constituting a crime under State or Federal Law? YES ☐, NO ☐.

If you answered YES TO ANY OF THE QUESTIONS IN ITEM 19, please provide details including dates, agency/entity names, and disposition \_\_\_\_\_

20. Has any person listed in response to question 12 been employed by or affiliated with any person or business that has:
- a. Been the subject of an investigation involving any alleged violation of criminal law? YES ☐, NO ☐.
  - b. Been arrested, indicted or named as an unindicted co-conspirator in any indictment or other legal instrument YES ☐, NO ☐.
  - c. Been convicted, after trial or by plea, of any felony under State or Federal Law? YES ☐, NO ☐.
  - d. Been convicted of any misdemeanor involving business-related crimes? YES ☐, NO ☐.
  - e. Entered a plea of nolo contendere in a legal proceeding? YES ☐, NO ☐.
  - f. Entered a consent decree? YES ☐, NO ☐.
  - g. Been granted immunity from prosecution for any business – related conduct constituting a crime under State or Federal Law? YES ☐, NO ☐.

If you answered YES TO ANY OF THE QUESTIONS IN ITEM 20, please provide details including dates, agency/entity names, and disposition \_\_\_\_\_

21. Has this or any business listed in response to question 14 or any person listed in response to question 12 failed to pay any applicable Federal, State or Local government taxes for the past five years? YES ☐, NO ☐. If YES, explain.

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22. In the past five years, has this or any business listed in response to question 14 or any person listed in response to question 12 committed any act of collusion, bid rigging or price fixing in submitting a competitive bid? YES ☐, NO ☐.

If Yes, please explain. \_\_\_\_\_

\_\_\_\_\_

22. Licensing: List jurisdiction and trade categories in which your organization is legally qualified to do business (if applicable), and attach legible copies of registrations and/or licenses.

Jurisdiction	Trade Category
_____	_____
_____	_____
_____	_____
_____	_____

23. Attach a list of ALL this business' projects, clients, and customers for the last two years. Explain any missing information or gaps in time. Provide this list on company letterhead and include the following information in this format:

Agency/Owner  
Contract #  
Name & Location of Project  
Surety Company for the Job  
Sub or Prime Contractor  
Goods or Services Provided  
Start and Completion Dates  
Contract Amount  
Contact Name & Telephone No.

## CERTIFICATION

A materially false statement willfully or fraudulently made in connection with this questionnaire is sufficient cause for rendering the business entity not responsible with respect to the present bid or proposal and future bids or proposals, and in addition, may subject the person and/or entity making the false statement to criminal charges, including but not limited to New York State Penal Law sections 175.35 (Offering a false statement for filing) and 210.40 (Sworn false statement) and/or Title 18 U.S.C. sections 1001 (False or fraudulent statement) and 1341 (Mail fraud).

I, \_\_\_\_\_, being duly sworn, state that I am the  
Print or Type Name of Bidder/Proposer Authorized Representative

\_\_\_\_\_ of \_\_\_\_\_, and  
 Print or Type Title of Bidder/Proposer Authorized Representative      Print or Type Name of  
 Entity Submitting Bid/Proposal

I have read and understand the questions contained in the attached questionnaire and its appendices. I certify that to the best of my knowledge the information given in response to each question and appendices is full, complete, and truthful.

I will notify the City of Yonkers in writing of any change in circumstances occurring after the submission of this questionnaire and before the execution of any contract with the City.

I acknowledge that the City of Yonkers may, by means it deems appropriate, determine the accuracy and truth of the statements made in this questionnaire.

I recognize that all information submitted is for the express purpose of inducing the City to enter a contract with the submitting business entity.

I authorize the City to contact any entity or person named in this questionnaire, for purposes of verifying the information submitted.

Signature of Bidder/Proposer Authorized Representative

STATE OF \_\_\_\_\_ )  
 ) SS:  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before me the undersigned appeared \_\_\_\_\_, personally known and known to me (*Print or Type Name of Bidder/Proposer Authorized Representative*) or proved to me on the basis of satisfactory evidence, to be the individual whose name(s) is (are) subscribed to the within instrument and acknowledged to me that (he)(she)(they) executed the same in (his)(her)(their) capacity(ies) and that by (his)(her)(their) signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

## Notary Public

**Place Notary Public Stamp Here:**

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